

### REMARKS

In the above-mentioned Office Action, all of the pending claims, claims 1, 2, 4-16, and 18-20, were rejected. Claims 1, 2, 4, 5, 10-15, and 19-20 were rejected under Section 103(a) over the combination of *Kamel* and *Segura*. Claim 6 was rejected under Section 103(a) over the combination of *Kamel*, *Segura*, and *Bos*. Claim 7 was rejected under Section 103(a) over the combination *Kamel*, *Segura*, and *Chuah*. Claim 8 was rejected under Section 103(a) over the combination of *Kamel*, *Segura*, *Chuah*, and *Bos*. And, claim 9 was rejected under Section 103(a) over the combination of *Kamel*, *Segura*, *Chuah*, and *Ahmadvand*.

The applicant acknowledges the Examiner's review of the prior art and the specificity of the notations of which portions of the references were relied upon by the Examiner in the claim rejections.

Responsive to the rejections of the claims, independent claims 1 and 16 have been amended, as set forth herein, in manners believed better to distinguish the invention of the present application over the cited combinations of references used to reject the claims.

With respect to exemplary claim 1, the claim has been amended, now to recite a measurer that measures indications of power control commands generated during effectuation of the first communication service. And, the recitation of the decision maker has been amended, now to recite that the decision maker receives values representative of measured indications of the power control commands and for comparing the values with a threshold value and that the data communication permission command, when generated, grants permission to the first communication station to communicate the first burst of data pursuant to the second communication service. Claim 16 has been analogously amended.

The Examiner acknowledged that *Kamel* fails specifically to teach the generation of a data communication permission command. And, the Examiner relies upon *Segura* for generating the data communication permission command.

While *Kamel* makes reference to use of first and second communications channels, e.g., column 2, lines 45-48, there is no disclosure of detection and measurement of power control commands generated during a first communication service and using values of the measurements

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to decide whether to generate a data communication permission command to grant permission to communicate a burst of data pursuant to a second communication service.

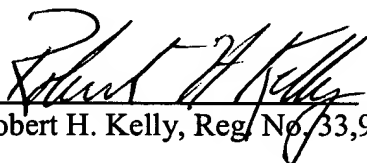
And, while *Segura* discloses determination of a minimum transmission quality and broadcasts of data if the received transmission quality is greater than a minimum value, there is no disclosure of generation of a data communication permission command responsive to power control commands generated pursuant to a first communication service to grant permission to communicate burst data pursuant to the second communication service.

No combination of *Kamel* and *Segura* can be made, therefore, to form the invention, as recited now in amended claims 1 and 16. Because all of the dependent claims include all of the limitations of their respective parent claims, these claims are believed to be patentably distinguishable over the cited combinations of references used thereagainst for the same reasons as those given with respect to their parent claims.

In light of the foregoing, independent claims 1 and 16 and the remaining ones of the dependent claims dependent thereon are believed to be in condition for allowance. Accordingly, re-examination and reconsideration for allowance of these claims is respectfully requested. Such early action is earnestly solicited.

Respectfully submitted,

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